REMARKS

Claims 1-15 remain pending in the application, with Claims 1 and 9 being the independent claims. Claims 1, 2, 9, 14 and 15 are again rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Aikoh (U.S. Patent Application Publication No. 2004/0111341 A1). Claims 3-8 and 10-13 remain objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner continues to improperly consider that the distribution server 22 of Aikoh satisfies the recited content server in the claims. However, paragraph 97 of Aikoh merely discloses a "communication means 224 to receive an electronic data resell instruction and **electronic data** ... and **a storage step** for performing storage control by **transferring the received electronic data** to a prescribed location in the database 223".

In other words, the distribution server 22 in Aikoh directly receives music content besides secondhand music information, stores it and sells it to a buyer.

In contrast, the content server according to the present invention receives content information for particular content to be resold from a seller terminal in reply to a request by a seller who wishes to resell the content over a communication network, searches a content corresponding to the content information in a database, and registers the searched content as secondhand content.

The distribution server 22 of Aikoh does not receive content information for particular content to be resold from a seller terminal in reply to a request by a seller who wishes to resell the content over a communication network. Furthermore, Aikoh nowhere states that the distribution server 22 searches a content corresponding to the content information in a database, and registers the searched content as secondhand content. Therefore, the distribution server 22 of Aikoh fails to satisfy the content server according to the present invention.

As the Examiner well knows, a *prima facie* case of anticipation can only be made when there is no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See *Scripps Clinic & Research Found. V. Genentech Inc.* 927 F.2d 1565, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

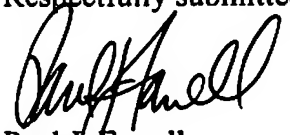
Aikoh fails to anticipate the present invention because of the above-described differences between Aikoh and the claimed invention.

Accordingly, amended Claims 1 and 9 are allowable over Aikoh.

While not conceding the patentability of the dependent claims, *per se*, Claims 2-8 and 10-15 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, Claims 1-15 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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